

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY CECIL CABELKA,

Defendant.

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Civil Action No. 7:16-cv-00126-O-BP

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed, and the Magistrate's recommendation is ripe for review. The District Judge reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Accordingly, it is **ORDERED** that Logsdon Farms, Inc., Chad Logsdon, and Billy Logsdon's Motion to Dismiss (ECF No. 11) is **GRANTED in part** and **DENIED in part as moot**, Amanda Slate's Motion to Dismiss (ECF No. 24) is **GRANTED in part** and **DENIED in part as moot**, and Defendant Larry Cabelka's claims against Logsdon Farms, Inc., Chad Logsdon, Billy Logsdon, and Amanda Slate are **DISMISSED** without prejudice. It is further **ORDERED** that Rebecca Cabelka Thorpe's Motion to Dismiss (ECF No. 29) is **DENIED**.

The Clerk of Court is ordered to correct Larry Cabelka's designation in this case to reflect his party status as both the defendant and third-party plaintiff, instead of cross claimant, and correct

Rebecca Cabelka Thorpe's designation to reflect her party status as a third-party defendant instead of a cross defendant.

SO ORDERED on this **24th** of **March, 2017**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE